

REMARKS

In the Restriction Requirement mailed September 18, 2006, the Examiner has restricted the claims to one of the following inventions under 35 U.S.C. 121:

- I. Claims 1-20, 26-31, 34-53 and 59-78, drawn to a network based method and system for causing a processor to exchange proxy bid information per a specific exchange criteria, classified in class 705, subclass 26.
- II. Claims 21, 32, 54 and 79, drawn to a network based method and system facilitating the display of a reserve price, classified in class 705, subclass 26.
- III. Claims 22-25, 33, 55-58 and 80-83, drawn to a network based commerce method and system facilitating the display of a fixed price offer, classified in class 705, subclass 26.

Applicants elect, without traverse, Group I, claims 1-20, 26-31, 34-53 and 59-78. Applicants respectfully cancel claims 21-25, 32-33, 54-58 and 79-83 (Group II and Group III) without prejudice or disclaimer, and reserve the right to reintroduce them in one or more Divisional applications at a later date.

RESPONSE TO RESTRICTION REQUIREMENT

Serial Number: 10/749,614

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Title: METHOD AND SYSTEM TO PUBLISH A SELLER FIXED PRICE OFFER

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Dkt: 2043.033US2

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 408-278-4042 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,


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By their Representatives,

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Date November 20, 2006

By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 20 day of November 2006.

Name Signature

Peter Rehak

